

SUPERFUND

Fact Sheet

COMMENCEMENT BAY NEARSHORE/TIDEFLATS

Tacoma, Washington



U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 10

October 1998

Thea Foss Waterway Proposed Settlement Agreement

The U. S. Environmental Protection Agency (EPA) Announces a Public Comment Period on a Proposed Settlement Agreement Between EPA and Arrow Transportation, Inc. The Comment Period is from October 21 to November 20, 1998.

Arrow Transportation, Inc. is one of a number of potentially responsible parties (PRPs) named for cleaning up the Thea Foss and Wheeler-Osgood Waterway, which is part of the Commencement Bay Nearshore/Tideflats Superfund site. Arrow Transportation is a truck transport company and was a lessee and operator from 1990 until 1997 at the MPS Terminal Corp site, located close to the Thea Foss Waterway. Arrow hauled a number of products including organic compounds that have contaminated the waterway.

In May 1997, Arrow Transportation, Inc. filed for protection under Chapter 11 of the Bankruptcy Code. On November 28, 1997, EPA filed a proof of claim (the "EPA Claim") against Arrow Transportation, Inc., seeking payment of the costs for the investigation and cleanup of the Thea Foss Waterway. (Arrow is a PRP at the Chemical Handling Company (CHC) Superfund site in Colorado, and this proposed agreement also addresses settlement for this site.)

EPA and Arrow Transportation, Inc. have recently agreed to settle the "EPA Claim", and the public is invited to comment on the proposed settlement agreement.

Conditions of the Proposed Settlement

Under the proposed settlement, upon approval of the Court, the "EPA Claim" shall be allowed as an administrative priority claim in the amount of \$86,500. Once paid, EPA will withdraw the "EPA Claim" for any amount in excess of \$86,500.

The proposed settlement amount will be distributed as follows: \$76,500 will be paid in relation to the

Thea Foss and Wheeler-Osgood Waterway, and \$10,000 will be paid in relation to the site in Colorado. Of the \$76,500 for Thea Foss and Wheeler-Osgood, \$65,025 shall be deposited in the Thea Foss Special Account to be used to conduct or finance future response actions at the waterway; and \$11,475 shall be deposited in the EPA Hazardous Substance Superfund as reimbursement for response costs incurred at Thea Foss and Wheeler-Osgood.

The Proposed Settlement Agreement is Available for Public Review at the Following Locations:

In Tacoma:

Tacoma Public Library Main Branch
1102 Tacoma Avenue South
Northwest Room
Tacoma, WA

Citizens for a Healthy Bay
771 Broadway
Tacoma, WA

In Seattle:

U. S. Environmental Protection Agency
1200 Sixth Avenue
Records Center - 7th Floor
Seattle, WA

On the Internet:

Federal Register Web Site:
http://www.access.gpo.gov/su_docs
Click on 'Federal Register' in left column.
Scroll down, select 'Notices.'
Date range: _____ to _____

Written Public Comments

Written comments should refer to In Re Arrow Transportation Co. of Delaware, Inc., DOJ Ref. No. 90-11-2-1323 and be sent before _____, 1998 to:

Section Chief, Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P. O. Box 7611
Washington, DC 20044-7611

You may also request a copy of the proposed settlement agreement from the Consent Decree Library, 1120 G Street, N. W., 3rd Floor, Washington, DC 20005, (202) 624-0892. Please enclose a check payable to the Consent Decree Library in the amount of \$2.50 to cover the cost of reproduction.

For More Information

If you have any questions about this fact sheet, please contact one of the following people.

Christine Psyk, Project Manager, (206) 553-1748
Lori Houck, Regional Counsel, (206) 553-1115
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Toll Free Telephone Number: 1-800-424-4372

To ensure effective communication with everyone, additional services can be made available to persons with disabilities by contacting one of the numbers listed above.



United States
Environmental Protection
Agency

EPA Region 10
Community Relations and Outreach
1200 Sixth Avenue, ECO-081

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Thea Foss Waterway
Tacoma, Washington***